

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

WILLIAM RAY WEAVER, )

Petitioner )

v. )

GRANTT CULLIVER, WARDEN, )

and THE ATTORNEY GENERAL )

OF THE STATE OF ALABAMA, )

Respondents )

Case No. 4:06-cv-04877-LSC-HGD

**MEMORANDUM OPINION**

On November 19, 2008, the magistrate judge's supplemental report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. No objections were filed by petitioner or respondents. The court entered a Final Judgment on January 30, 2009, denying the petition for writ of habeas corpus.

Petitioner subsequently filed a Motion for Relief from Judgment (Doc. 33), in which he asserted that he never received a copy of the supplemental report and recommendation or the Final Judgment from appointed counsel and that he desired to file objections to the magistrate judge's supplemental report and recommendation.

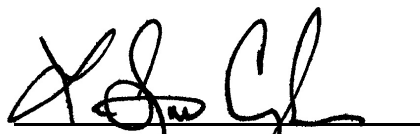


Out of an abundance of caution, the court vacated the Final Judgment by order entered October 24, 2011, and gave petitioner fourteen (14) days in which to file objections. (Doc. 36). On November 4, 2011, petitioner filed objections to the magistrate judge's supplemental report and recommendation.

After careful consideration of the record in this case, the magistrate judge's supplemental report and recommendation and petitioner's objections thereto, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that the petition for writ of habeas corpus be DENIED.

A separate order in conformity with this Memorandum Opinion will be entered contemporaneously herewith.

Done this 9th day of January 2012.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', is written over a horizontal line.

L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE

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